



Federal Communications Commission
Washington, D.C. 20554

October 21, 2005

DA 05-2738

Released: October 21, 2005

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Libco, Inc.
WTOL(TV)
2215 B Renaissance Drive
Suite 5
Las Vegas, NV 89119

Re: Libco, Inc.
WTOL(TV), Toledo, OH
Facility ID No. 13992
File No. BRCT-20050531BOH

Dear Licensee:

This refers to your license renewal application for station WTOL(TV), Toledo, OH.

In the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted Section 73.670 of the Rules, 47 C.F.R. § 73.670, which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991). The commercial limitations became effective on January 1, 1992. *Children's Television Programming*, 6 FCC Rcd 5529, 5530 (1991).

On May 31, 2005, you filed the above-referenced license renewal application for station WTOL(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WTOL(TV) failed to comply with the limitations on commercial matter in children's programming specified in Section 73.670 of the Commission's Rules. In Exhibit 19 to the renewal application, you state that station WTOL(TV) exceeded the children's television commercial limits on five occasions between June 20, 1998 and November 7, 1998. Of those five overages, one was one minute and thirty seconds, one was fifty-six seconds, and three were 15 seconds. You attribute the overages to human error and assert that that station WTOL(TV) took prompt corrective measures to prevent further overages.

It appears from the information before us that the overages in question were isolated violations of the children's television commercial limits. Such *de minimis* violations of Section 73.670 of the Commission's Rules are not an impediment to a renewal of WTOL(TV)'s license. Finding you fully qualified to remain a Commission licensee, we conclude that a grant of your application for renewal of license for station WTOL(TV) would serve the public interest, convenience and necessity, and BRCT-20050531BOH IS HEREBY GRANTED.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Libco, Inc. at the address listed above, and to its counsel, Scott S. Patrick, Esquire, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, N.W., Suite 800, Washington, D.C. 20036.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau